

AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TUOLUMNE BAND OF ME-WUK INDIANS AND THE COUNTY OF TUOLUMNE

This amendment is made and entered into as of this 8th day of ~~September~~^{October}, 2002 by and between the TUOLUMNE BAND OF ME-WUK INDIANS, a federally recognized Indian tribe (hereinafter "TRIBE") and the COUNTY OF TUOLUMNE, a political subdivision of the State of California (hereinafter "COUNTY").

RECITALS

WHEREAS, the TRIBE and COUNTY entered into a Memorandum of Understanding by and between the TUOLUMNE RANCHERIA BAND OF ME-WUK INDIANS, a federally recognized Indian tribe, and the COUNTY OF TUOLUMNE, a political subdivision of the State of California and the TUOLUMNE FIRE PROTECTION DISTRICT, a State of California Special District dated January 16, 2001, regarding the construction and operation of a Class III gaming facility by the TRIBE; and

WHEREAS, the TRIBE and COUNTY mutually agree to amend the Memorandum of Understanding to reflect changes in some of the terms and conditions of the original Memorandum of Understanding as it pertains to the TRIBE and the COUNTY.

NOW, THEREFORE, COUNTY AND TRIBE AGREE as follows:

1. A new Section 19.2 shall be added to read as follows:

19.2 The Tribe may file an application with United States Department of Interior, Bureau of Indian Affairs ("BIA") to place Assessor's Parcel Numbers 62-040-11, 62-050-02, 62-050-58, 62-050-59, and 87-020-08 into Trust. The Tribe and the County have agreed to do the following regarding the filing of an application to place Assessor's Parcel Numbers 62-040-11, 62-050-02, 62-050-58, 62-050-59, and 87-020-08 into Trust:

a) Once the Trust application has been approved, the Tribe shall continue to pay on an annual basis to the County an amount equal to the amount of

property taxes that would have been due for Assessor's Parcel Numbers 62-040-11, 62-050-02, 62-050-58, 62-050-59, and 87-020-08 if the parcels were not in Trust. The County shall invoice the Tribe on or before January 31st of each year for the amount of property taxes that would have been due for said parcels. The Tribe shall continue to pay annually an amount equal to the amount of property taxes that would have been due for Assessor's Parcel Numbers 62-040-11, 62-050-02, 62-050-58, 62-050-59, and 87-020-08 until the Tribe agrees to fund and begins construction on the Tuolumne by-pass. Once construction begins on the Tuolumne by-pass, the Tribe's obligation to pay in-lieu property taxes shall cease.

- b) The monies received from the Tribe pursuant to subsection a, above, shall be used by the County to equip and furnish the Tuolumne Library and Recreation Center. The County shall continue to use the money for the Tuolumne Library and Recreation Center for the first five (5) years that money is received from the Tribe. Any monies received in year six (6) and beyond, shall be placed into the Tuolumne Tribal Casino Road Improvement and Maintenance Fund as provided for in Section 10.3 of the original Memorandum of Understanding.*
- c) In consideration for the obligations undertaken by the Tribe herein, the County shall provide correspondence to the United States Department of Interior, Bureau of Indian Affairs ("BIA"), the State of California and any other governmental agencies or officials whose approval or cooperation must be obtained, as reasonably requested by the Tribe, and shall respond to inquiries related to said application, in a form and manner that is consistent with the intent of this Section 19.2.*

2. A new Section 26.0 shall be added to read as follows:

26.0 PLACEMENT OF BLACK OAK CASINO SIGN ON COUNTY PROPERTY

26.1 The Tribe may lease County property located along Highway 108 near Mother Lode Motors and commonly known as Assessor's Parcel Number 56-250-09 to place a Black Oak Casino sign as shown in Exhibit "A" to this Amendment. The Tribe shall comply with the following conditions:

- a) The Tribe shall obtain an off-premise sign permit from CalTrans to comply with the Outdoor Advertising Act prior to installation of the sign.*
- b) The Tribe shall not install any lighting or spot lighting on the sign.*
- c) The Tribe shall not place the sign within three (3) feet of a fire hydrant.*
- d) The Tribe shall not modify, enhance or change the sign without approval of the Tuolumne County Board of Supervisors.*
- e) If a cultural resource is discovered during the installation of the sign, the Tribe shall comply with the following provisions:*
 - 1. The person discovering the cultural resource shall notify the Community Development Department by telephone within 4 hours of the discovery or the next working day if the department is closed.*
 - 2. When the cultural resource is located outside the area of disturbance, the Community Development Department shall be allowed to photo-document and record the resource and construction activities may continue during this process. On parcels of two or more gross acres, the area of disturbance includes building pads, septic areas, driveways or*

utility lines, grading and vegetation removal, plus 300 feet. On parcels of less than 2 gross acres, the area of disturbance equals the boundaries of the parcel.

- 3. When the cultural resource is located within the area of disturbance, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by the Community Development Department may continue. A qualified professional, as defined in Section 17.07.360 of the Tuolumne County Ordinance Code, such as an archaeologist or an historian, shall be allowed to conduct an evaluative survey to evaluate the significance of the cultural resource.*
- 4. When the cultural resource is determined to not be significant, the qualified professional or Community Development Department shall be allowed to photo-document and record the resource. Construction activities may resume after authorization from the Community Development Department.*
- 5. When a resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its perimeter by a qualified professional archaeologist or historian or a cultural resource management plan shall be prepared by a qualified professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA) to address the effects of construction on the resource. The qualified professional shall be allowed to photo-document and record the resource. Construction activities may resume after authorization from the*

Community Development Department. All further activity authorized by this permit shall comply with the cultural resources management plan.

A cultural resource is any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significance to the citizens of Tuolumne County, the State of California, or the nation which is 50 years of age or older or has been listed on the National Register of Historic Places, the California Register of Cultural Resources, or the Tuolumne County Register of Cultural Resources.


- f) If at such time the Black Oak Casino is no longer in business, the sign shall be removed within a period of thirty (30) days of cessation of operations of Black Oak Casino.*
- g) The County or the Tribe may at their sole discretion terminate the placement of the Black Oak Casino sign on the County's property by giving the other party a one (1) year's notice of its intent to terminate. If either the County or the Tribe exercises their right to terminate the placement of the sign on the County's property, the Tribe shall remove said sign within thirty (30) days of the termination becoming effective. The Tribe's obligations under this Section 26.0 shall cease once the termination becomes effective and the sign has been removed.*

26.2 The Tribe shall pay to the County the annual sum of Three Thousand Dollars (\$3,000.00) as fair market rent for the placement of the Black Oak Casino sign on County property. The monies paid by the Tribe to the County for the use of County property for the placement of the Black Oak Casino sign shall be place into the Tuolumne Tribal Casino Road Improvement and Maintenance Fund as provided for in Section 10.3 of the original Memorandum of Understanding.

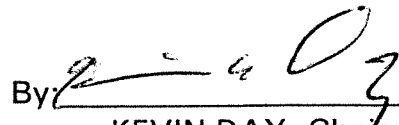
3. That all other terms and conditions of the original Memorandum of Understanding shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date first written above.

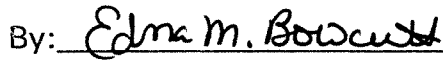
COUNTY

By: 
LAURIE SYLWESTER, Chair
Board of Supervisors

TRIBE

By: 
KEVIN DAY, Chairman,
Tribal Council

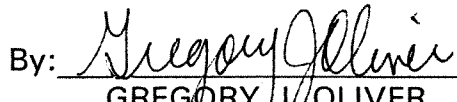
ATTEST:

By: 
EDNA M. BOWCUTT, Clerk

ATTEST:

By: 
LORI FOSTER, Secretary

APPROVED AS TO LEGAL FORM:

By: 
GREGORY J. OLIVER,
County Counsel

APPROVED AS TO RISK
MANAGEMENT FORM:

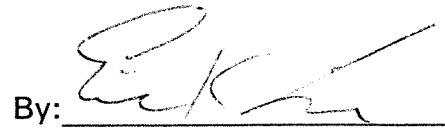
By:  9/6/12
ERIC LARSON, Risk Manager

EXHIBIT "A"

8 ft



4 ft

12 ft

8 ft

Client: Black Oak Casino
 Job Number: 148 014
 Job Description: Mother Lode Motors Directional Sign
 Produced by Thielen & Associates, Fresno, CA

Proof No: 2

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Proofreader:			
Creative Director:			
Account Exec.:			
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ATTACHMENT 2



OFFICE OF ENVIRONMENTAL COORDINATOR

BEV SHANE, AICP
ENVIRONMENTAL COORDINATOR

A. N. Francisco Building
48 West Yaney Street
MAILING:
2 South Green Street
Sonora, CA 95370
(209) 533-5611
FAX (209) 533-5616

NOTICE OF EXEMPTION

PROJECT TITLE: Sign for Black Oak Casino

PROJECT PROPONENT: Tuolumne Band of Me Wuk Indians

LOCATION: The project site is located on the south side of Mono Way, immediately west of the Mother Lode Motors sales facility. A portion of the Northeast ¼ of the Northwest ¼ of Section 5, Township 1 North, Range 15 East. Assessor's Parcel Number 56-250-09.

COUNTY: Tuolumne

PROJECT DESCRIPTION: Placement of a thirty-two (32) square foot nonappurtenant sign measuring four (4) feet by eight (8) feet on a 0.66+/- acre site owned by the County of Tuolumne and zoned C-1 (General Commercial) under Title 17 of the Tuolumne County Ordinance Code for the purpose of directing customers to the Black Oak Casino located off-site on North Tuolumne Road.

APPROVING AGENCY: Tuolumne County Board of Supervisors

EXEMPT STATUS (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268)
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a))
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- ☒ Categorical Exemption. (Sec. 15303)
- ☐ Exemptions. (Section Number)

RATIONALE FOR EXEMPTION: After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines because it entails installation of a small, new structure.

LEAD AGENCY CONTACT PERSON: Bev Shane

TELEPHONE NUMBER: (209) 533-5633

Signature:


Bev Shane, AICP
Environmental Coordinator

Date: September 3, 2002

8 ft



4 ft

12 ft

8 ft

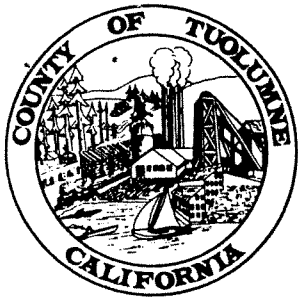
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 Job Number: 148 014
 Job Description: Mother Lode Motors Directional Sign
 Produced by Thielen & Associates, Fresno, CA *

Proof No: 2

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Proofreader:			
Creative Director:			
Account Exec.:			
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Bev Shane, AICP
Environmental Coordinator

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